

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FCSTONE MERCHANT SERVICES,	§	
LLC	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 4:20-cv-03693
	§	
SGR ENERGY, INC., ST SHIPPING &	§	
TRANSPORT PTE LTD, and THOMAS	§	
SAN MIGUEL, individually,	§	
	§	
<i>Defendants.</i>	§	

**AGREED MOTION FOR ORDER ENTERING
AMENDED DISCOVERY SCHEDULE AND TRIAL SETTING**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiff, FCStone Merchant Services, LLC (“FMS”), ST Shipping & Transport PTE LTD (“STS”), SGR Energy, Inc. (“SGR”) and Thomas San Miguel (“TSM”) (collectively, the “Parties”) file this Agreed Motion for Entry of Amended Scheduling Order and respectfully states as follows:

1. FMS filed this lawsuit against STS, SGR and TSM (collectively, the “Defendants”) on October 27, 2020. Dkt. No. 1.
2. FMS filed its First Amended Complaint on December 11, 2020. Dkt. No. 14.
3. The Defendants each filed motions to dismiss the First Amended Complaint.
4. The Parties participated in a scheduling conference before Magistrate Judge Frances H. Stacy on April 15, 2021 which set the trial of this matter for November 7, 2022. Dkt. No. 42.

5. By an Order dated July 14, 2021, this Court denied SGR's Motion to Dismiss, denied in part and granted in part TSM's Motion to Dismiss, and denied in part and granted in part STS's Motion to Dismiss. Dkt. No. 48.

6. FMS filed a Second Amended Complaint on July 30, 2021. Dkt. No. 49.

7. SGR filed a Counterclaim against FMS on August 12, 2021. Dkt. No. 50.

8. STS filed a Counterclaim against FMS and a Crossclaim against SGR on August 13, 2021. Dkt. No. 51.

9. While the Parties have engaged in initial written discovery, there is still much to be done, several discovery issues remain outstanding, and the Parties are presently working through certain discovery disputes.

10. On November 17, 2021, SGR Energy Inc. ("SGR") filed a *Notice of Suggestion of Bankruptcy* [Dkt. No. 60], wherein SGR advised this Court that it filed for Bankruptcy in the United States Bankruptcy Court for the Southern District of Texas, Victoria Division styled as *In re SGR Energy, Inc.*, Case No. 21-60090 (CML) (the "Bankruptcy Action").

11. As a result of the Bankruptcy Action and pursuant to Title 11 U.S.C. § 101, this Court entered an order staying this lawsuit on November 30, 2021 (the "Stay") which terminated all pending deadlines. Dkt. No. 61.

12. During the pendency of the Bankruptcy Action, SGR and TSM's counsel withdrew from this action, and Brendon Singh appeared as their new counsel of record on January 21, 2022. Dkt. Nos. 62-63.

13. The Bankruptcy Action was dismissed on January 21, 2022. *See Bankruptcy Action Order Dismissing Case* at Dkt. No. 64-1.

14. Pursuant to the Court's directives, upon the dismissal of the Bankruptcy Action, the parties were advised to file a motion to lift the Stay of this action and submit a proposed scheduling order with deadlines to replace the previously terminated deadlines.

15. As a result of the dismissal of the Bankruptcy Action, FMS filed an Unopposed Motion to Lift the Stay on February 22, 2022, which was granted by the Court on February 25, 2022. Dkt. Nos. 64 and 65.

16. Due to the impact of the Bankruptcy Action and the Stay on discovery efforts, expert and trial deadlines in this lawsuit, the Parties respectfully seek the entry of an order entering the amended scheduling order with new deadlines to govern this lawsuit, attached hereto as **Exhibit A**.

17. The entry of an amended scheduling order will allow the Parties to serve additional discovery, conduct depositions, present motions and prepare for trial.

18. This Motion for Entry of an Amended Scheduling Order is not sought for purposes of delay, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that this Court enter the Amended Scheduling Order attached hereto as **Exhibit A**.

Dated this 14th day of March, 2022

Respectfully submitted,

/s/ Yasser A. Madriz

Yasser A. Madriz (lead attorney)

State Bar No. 24037015

Federal Bar No. 39080

ymadriz@mcguirewoods.com

Miles O. Indest

State Bar No. 24101952

Federal Bar No. 3070349

mindest@mcguirewoods.com

McGUIREWOODS LLP
845 Texas Ave., 24th Floor
Houston, Texas 77002
T: 713-353-6681
F: 832-255-6381

Addison E. Fontein
State Bar No. 24109876
Federal Bar No. 3530304
afontein@mcguirewoods.com
McGUIREWOODS LLP
2000 McKinney Ave., Suite 1400
Dallas, Texas 75201
T: 214-932-6436
F: 469-372-3891

***ATTORNEYS FOR PLAINTIFF,
FCSTONE MERCHANT SERVICES,
LLC***

/s/ Brendon Dane Singh

Brendon Dane Singh
Tran Singh, LLP
2502 La Branch Street
Houston, Texas 77004
brendon.singh@ctsattorneys.com
Tel.: (832) 975-7300
Fax: (832) 975-7301
*Attorneys for Defendants, SGR Energy, Inc.
and Thomas San Miguel*

/s/ Robert C. Oliver

Robert C. Oliver
Sharpe & Oliver, LLP
5535 Memorial Drive, No. F570
Houston, Texas 77007
mackknife@mackknife.net

/s/ John R. Keough

John R. Keough (admitted Pro Hac Vice)

George Cornell (admitted Pro Hac Vice)

Clyde & Co. US LLP

405 Lexington Avenue

New York, New York

John.Keough@clydeco.us

George.Cornell@clydeco.us

Attorneys for Defendant,

ST Shipping & Transport PTE LTD

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2022, a true and correct copy of the foregoing document was served via ECF to:

Brendon Dane Singh

Tran Singh, LLP
2502 La Branch Street
Houston, Texas 77004
brendon.singh@ctsattorneys.com

Tel.: (832) 975-7300

Fax: (832) 975-7301

*Attorneys for Defendants, SGR Energy, Inc. and
Thomas San Miguel*

Robert C. Oliver

Sharpe & Oliver, LLP

5535 Memorial Drive, No. F570
Houston, Texas 77007
mackknife@mackknife.net

John R. Keough, III (admitted Pro Hac Vice)

George Cornell (admitted Pro Hac Vice)

Clyde & Co. US LLP
405 Lexington Avenue
New York, New York
John.Keough@clydeco.us
George.Cornell@clydeco.us

*Attorneys for Defendant,
ST Shipping & Transport PTE LTD*

/s/ Yasser A. Madriz

Yasser A. Madriz